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Identical letters dated 24 July 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, and in response to the letter dated 12 July 2018 from the Permanent Representatives of Germany and Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2018/700), I should like to state the following:

The Government of the Syrian Arab Republic condemns in the strongest terms the ongoing, systematic campaigns of disinformation that are being waged against the Syrian Arab Republic by certain Governments, which also continue to interfere blatantly in the internal affairs of Syria. Those Governments are not content with repeatedly attacking the sovereignty of Syria; providing various forms of support to the armed terrorist groups that are attacking the people and infrastructure of Syria, as well as public and private facilities in the Syrian Arab Republic; and imposing coercive, unilateral economic measures against the Syrian people. They have begun to circulate new fallacies and baseless allegations that are aimed at impeding the efforts of the Syrian Government to rebuild the country, ensure that the daily needs of the Syrian people are met and put in place the necessary conditions for the voluntary return of Syrian nationals to their country.

The Government Syrian Arab Republic deeply regrets that several States have expressed their support for the above-mentioned letter, although those States understand that the allegations set out therein are incorrect. There is no longer any justification for those States to ignore the facts that have been revealed by the defeat dealt to terrorism and its supporters in the Syrian Arab Republic.

Although the adoption of Act No. 10 is a sovereign act and a purely internal Syrian matter, the Government of the Syrian Arab Republic wishes to clarify some aspects of that Act, in order to refute the false allegations that are made in the above-mentioned letter.

First, with respect to the allegation that the "law [...] threatens, if implemented, to expropriate the private property of millions of displaced Syrians, depriving them of their homes and land. As a consequence, this law would significantly hinder their return home.":

Article 15 of the Constitution of the Syrian Arab Republic enshrines and upholds individual and joint ownership. The laws of Syria, including Act No. 10, do not exceed the bounds of the Constitution and the principles established therein. Act No. 10 guarantees that all owners whose properties are recorded in the official

registers will retain those properties. Indeed, the Act provides that the administrative unit shall request the cadastral authorities to compile a list of property owners and rights holders that will serve as the basis for the work of the committees established pursuant to the provision of Act No. 10. Property holders will be compensated with shares in the planning zone that are of equivalent value. Ownership is therefore upheld by the law. Property will continue to be registered in the name of its owner, who can choose to sell the property; be given a plot, or a portion thereof in the case of partners, in the planning zone; or sell the property at public auction. The legal occupant (owner or lessee) shall be given priority in respect of obtaining alternative housing within the same planning zone. The foregoing refutes the allegation that displaced Syrians are being deprived of their homes and lands.

Second, with respect to the allegation that Act No. 10 "will prevent many Syrians from claiming ownership, resulting in the uncompensated expropriation of their property. This, in turn, will have significant repercussions for the future return of millions of Syrian internally displaced persons and refugees.":

Act No. 10 does not contain any provision that would deprive owners of their property or expropriate it. Quite the contrary, the Act calls for the establishment of a dispute resolution commission, headed by a judge counsellor appointed by the Minister of Justice, to consider property disputes. The commission is very much like a court in that its decisions may be appealed against in the courts. Citizens, whether in Syria or abroad, may follow up on the status of their projects or properties that are before this commission and other commissions through their relatives, up to the fourth degree, or through a legal agent, or in person, as they see fit.

Third, with respect to the allegation that the law is "part of a comprehensive policy to alter the sectarian, social, economic and political landscape of Syria and the fabric of local communities.":

This allegation is not only invalid, but also politically and morally baseless. Moreover, the provision of Act No. 10 stipulating that the legal occupant (owner or lessee) shall be given priority in respect of obtaining alternative housing serves as a legal rebuttal to that allegation. Regardless of whether he is the owner, the legal occupant shall be given housing in the same planning zone, thereby ensuring that the social fabric is preserved.

Fourth, with respect to the allegation that "Damascus has systematically destroyed the land registry and cadastre records in opposition strongholds and in areas where it has regained control. [...] Following the destruction of records, the regime first forcefully displaced the local civilian population and then placed groups close to Damascus in those buildings. Among these groups are a number of militias from third countries".:

The Syrian Arab Republic will not stoop so low as to give a political response to that allegation, which is replete with lies, and respond to the undiplomatic language that is used therein. The legal response to this claim is that a very small proportion of land records were damaged in attacks carried out by terrorist groups. It should be noted that more than 90 per cent of those records have been electronically archived and backup copies are held at the Directorate for Cadastral Affairs. A special law regarding the reissuing of property documents was adopted: Act No. 33 (2017) concerning the reissuing of completely or partially destroyed property documents. This demonstrates that the Syrian Government maintains property records and strives to preserve the social fabric. Ownership records are maintained and electronically archived, and laws have been enacted concerning the reissuing of property documents in accordance with due process.

Fifth, with respect to the claim that "[i]n the absence of a stable security situation and an inclusive political environment that allows displaced Syrians to establish their ownership or occupancy rights and safely return to their homes, implementing such a law will lead to the arbitrary confiscation of property and denies the individual property rights of millions of Syrians, rights that are enshrined in the Universal Declaration of Human Rights.":

Property registration and preserving ownership rights in Syria have not been affected at all by the security situation and the political climate in the State. Those purely civilian functions are performed by a credible institution with a 92-year track record. That institution operates in accordance with a stable legal framework and rules and regulations that do not allow the conditions or any actor to interfere with its work, particularly given that the Constitution clearly and explicitly protects and preserves ownership rights. As stated above, individual and joint ownership in the Syrian Arab Republic is safeguarded by the Constitution, specifically article 15 thereof, and Act No. 10 does not contain any stipulations that concern the confiscation of land or would deprive owners of their property or expropriate it. The Act affords owners, whether they are in the Syrian Arab Republic or abroad, many straightforward ways to prove ownership. An owner will not be required to do anything because the administrative unit will safeguard his ownership rights on his behalf if the ownership document in his possession is recorded in the official register, or if he has obtained a definitive court judgement concerning a property right that is recorded in the official register or a similar register that is maintained by a public body legally authorized to maintain ownership records. The owner may register the court judgement whenever he pleases. In addition, such registration will be effective from the date on which the lawsuit that gave rise to the judgement was recorded in the registry (in accordance with the provisions of the Civil Code and the Property Register Act).

In the absence of a document establishing ownership, the property owner may instruct a relative up to the fourth degree (father, son, brother, paternal uncle, maternal uncle, paternal cousin, maternal cousin) to file, on his behalf, a statement of ownership with the administrative unit, in order to preserve his rights. Such a statement can also be filed by any person that the owner authorizes to act on his behalf. The owner may also designate another person, regardless of where that person may be, to act on his behalf and authorize that person to replace the first proxy with whomsoever he wishes, for the purpose of following up on legal procedures pending with the dispute resolution commission established by Act No. 10. The owner himself may also file the ownership document with the dispute resolution commission when it is in session, regardless of whether the filing deadline had passed, and with the Syrian courts any time after the planning zone has been completed. The courts must consider the lawsuit and issue a judgement in accordance with the law.

Sixth, with respect to the allegation that Act No. 10 "clearly contradicts and grossly undermines the United Nations-led efforts to find a political solution, jeopardizes future reconciliation and flagrantly defies Security Council resolution 2254 (2015), in which the Council underscored the critical need to build conditions for the safe and voluntary return of refugees and internally displaced persons to their home areas...":

Civil laws in Syria are proposed and enacted by institutions that are independent and impartial, take into account the expectations and needs of Syrian society, and are managed by specialized legal and technical staff who work in cooperation with State ministries and administrative units, and their relevant bodies.

In a statement issued on 3 July 2018, the Syrian Government called upon all citizens who had been forced to leave the country because of war and terrorist attacks to return to Syria, in view of the liberation of most of the areas that had been under

the control of terrorists. In that statement, the Syrian Government reiterated that it is responsible for ensuring the security and safety of its citizens and providing them with the necessities of a decent existence. The Government also reiterated that international and humanitarian organizations have a responsibility to help ensure that Syrian citizens can return voluntarily to and reside in their country. Many Syrian refugees in Lebanon and Jordan have begun returning to their towns and villages thanks to the great assistance that the Syrian Government has provided, despite the difficult economic conditions that have been caused by the unilateral coercive measures imposed on the Syrian people by certain States, some of which are signatories of the above-mentioned letter.

I should be grateful if you would have the present letter issued as a document of the Security Council.

(*Signed*) Mounzer **Mounzer**
Chargé d'affaires a.i.
Minister Plenipotentiary